

## STATE OF LOUISIANA

### DEPARTMENT OF ENVIRONMENTAL QUALITY

**IN THE MATTER OF:**

**OCEANEERING INTERNATIONAL, INC.**

**AI # 126558**

**PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT**

**LA. R.S. 30:2001, ET SEQ.**

\* **Settlement Tracking No.**

\* **SA-RE-07-0052**

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\* **Enforcement Tracking No.**

\* **RE-PP-06-0021**

\* **RE-P-07-0024**

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## SETTLEMENT

The following Settlement is hereby agreed to between Oceaneering International, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

### I

Respondent is a corporation who is in possession of sealed sources under the provisions of Radioactive Material License, LA-7396-L01, issued by the Department in its facility located at 3706 Commercial Drive in New Iberia, Iberia Parish, Louisiana ("the Facility").

### II

On September 15, 2006, the Department issued a Notice of Potential Penalty, Enforcement No. RE-PP-06-0021, to Respondent, based upon the following findings of fact:

On April 20, 2006, an inspection of Oceaneering International, Inc. - Inspection Division, owned and/or operated by Oceaneering International, Inc. (Respondent), was performed to

determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Radiation Protection Regulations. The facility is located at 3706 Commercial Drive in New Iberia, Iberia Parish, Louisiana.

The following violations were noted during the course of the inspection:

- A. The licensee failed to ensure that whenever radiography is performed at a location other than a permanent radiographic installation, the instructor is accompanied by at least one other qualified radiographer or a qualified radiographer trainee, in violation of LAC 33:XV.573.A. The radiography helper, Lance Richard, worked on a two-man crew with a radiography instructor, Nicholas Lavolpicella, at the temporary job site located at Delta Compression in Krotz Springs, Louisiana.
- B. The radiographer trainee, Damian Domingue, transported the SPEC 150 exposure device (device #804) to the source vault without wearing personal dosimetry, in violation of LAC 33:XV.577.A.

On July 9, 2007, the Department issued a Penalty Assessment, Enforcement No. RE-P-07-0024, to Respondent which was based upon the findings of fact set forth above in Notice of Potential Penalty RE-PP-06-0021.

### III

In response to the Penalty Assessment, Respondent made a timely request for a hearing.

### IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

### V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of EIGHT THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS (\$8,250.00), of

which One Hundred Sixty-Nine and 44/100 Dollars (\$169.44) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

## VI

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessment and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VII

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

## IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Iberia Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

## XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

## XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

OCEANEERING INTERNATIONAL, INC.

BY: [Signature]  
(Signature)

Andre Olivier  
(Print)

TITLE: Regional Manager - Americas

THUS DONE AND SIGNED in duplicate original before me this 21<sup>st</sup> day of April, 20 08, at HOUMA, LOUISIANA.

[Signature]  
NOTARY PUBLIC (ID # 051454)

SUZAN E. BERGERON  
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Harold Leggett, Ph.D., Secretary

BY: [Signature]

Peggy M. Hatch, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 21<sup>st</sup> day of August, 20 08, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 40539)

Ted A. Doyle, Jr.  
(Print)

Approved: [Signature]  
Peggy M. Hatch, Assistant Secretary